

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

MONDAY, THE 2ND APRIL 2007 / 12TH CHAITHRA 1929

OP.No. 25051 of 2000(G)

PETITIONERS:

1. SABU T. JACOB,
S/O M.T.JACOB MALAYIL
NEDYMUDY VILLAGE, ALAPPUZHA

2. THOMAS GEORGE, S/O KALATHIL GHEEVARGHESE
AVALUKUNNEL HOUSE, NEHRU TROPHY WARD,
ALAPPUZHA

BY ADV. SRI.GEORGE THOMAS (MEVADA)

RESPONDENTS:

1. STATE OF KERALA
REPRESENTED BY ITS CHIEF SECRETARY
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM

2. THE EXCISE INSPECTOR,
PATHANAMTHITTA RANGE

3. KERALA STATE BEVERAGES (MANUFACTURING &
MARKETING)
CORPORATIONS LIMITED, THIRUVANANTHAPURAM
REP. BY ITS MANAGING DIRECTOR.

BY GOVERNMENT PLEADER SRI.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON
02/04/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P.P.25051 OF 2000

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ORDER ON C.M.P.NO.42251 OF 2000
IN
O.P.NO.25051 OF 2000

Dismissed.

SD/-
KURIAN JOSEPH, JUDGE

APPENDIX

PETITIONER'S EXHIBITS:

Ext.P1: Photocopy of the Indian Standard specifications in respect of Whiskies.

Ext.P2: Photocopy of the charge sheet filed before the JFM Court by the 2nd respondent against the petitioners.

Ext.P3: Photocopy of the mahazar prepared by the Excise Inspector, Pathanamthitta dated 12.12.1997.

Ext.P4: Photocopy of the order in CMP 43876/98 in O.P.24978/98 dated 15.12.1998.

Ext.P5: Photocopy of the order in CMP 16278/00 in O.P.9785/00.

// TRUE COPY //

P.A. TO JUDGE
JES

KURIAN JOSEPH, J.

O.P.NO.25051 OF 2000

JUDGMENT

Dated 2nd April, 2000

KURIAN JOSEPH, J.

O.P.NO.25051 OF 2000

Dated this the 2nd day of April 2007

JUDGMENT

The date of commission of alleged abkari offence being on 13.9.97, the petitioners are entitled to succeed in view of the decision of this court in **Sunil v. State of Kerala [2006 (2) KLT 851]**. Therefore, Exts.P2 and P3 are quashed. Writ petition is allowed as above.

KURIAN JOSEPH, JUDGE

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